IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WA.No. 1754 of 2007

AGAINST THE JUDGEMENT IN WPC.15985/2007 Dated 09/07/2007

APPELLANT: WRIT PETITIONER

K.A.ISSACK, VEALIYIL, VETTICODE P.O.
KATTANAM VILLAGE, MAVELIKKARA TALUK.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: RESPONDENTS
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VIDHUTHA BHAVAN, THIRUVANANTHAPURAM.

2. ADDITIONAL DISTRICT MAGISTRATE, ALAPPUZHA.

3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,CHARUMOODU.

4. DAVID ABRAHAM, VEALIYIL THEKKETHIL,
VETTIKODE P.O., KATTANAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB
SRI.B.RENJITHKUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1754 OF 2007

Dated this the 10th August, 2007

JUDGMENT

SANKARAN, J.

This Writ Appeal arises out of W.P.(C) No.15985 of 2007. The appellant/petitioner had challenged the drawing of an electricity line over the property belonging to him. During the pendency of the Writ Petition, a direction was issued to produce the plan showing the line passing over the pathway which is used by the public. Accordingly, the plan was also produced. The learned single Judge held that the alternate route suggested by the petitioner passes through the properties of several land owners and therefore, it is not feasible. It was also held that if the line is drawn over the pathway, no prejudice would be caused to the petitioner/appellant.

2. Learned counsel for the appellant pointed out that there are several trees standing on the boundary line of his property and if the line is drawn, several trees would have to be cut. He relies on the Commissioner's report which is produced as Annexure I. Learned counsel also submits that while drawing such an electricity line as proposed, if weather proof wire is used, he can salvage and save the trees on the boundary of his property. Learned counsel appearing for the Electricity Board, on instructions, submits that the Board would meet the expenses for drawing weather proof line only up to 35

metres. In this case, the length of the line is more than 35 metres and therefore, necessary expenses for the same shall be met by the appellant. Learned counsel for the appellant agreed to this suggestion. Learned counsel for the Electricity Board also submitted that if it is not a free span and an additional post is to be installed, necessary expenses for providing weather proof line has to be met by the appellant. At the same time, drawing of such electricity line up to the post shall be borne out by the fourth respondent.

3. Accordingly, the Writ Appeal is disposed of as follows:

i) The electricity line shall be drawn through the route as suggested by the Electricity Board.

ii) Instead of ordinary electricity line, weather proof line shall be drawn to give electricity connection to the fourth respondent.

iii) The necessary expenses for drawing such electricity line using cables shall be met by the appellant, in so far as it exceeds the length of 35 metres.

iv) If additional post is required, the expenses for the same shall be met by the fourth respondent and for the weather proof line in excess of 35 metres the expenses shall be met by the appellant.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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